

1 BLAISE & NITSCHKE, P.C.
2 HEATHER L. BLAISE, ESQ. (SBN 261619)
3 145 S. Wells Street, Suite 1800
4 Chicago, IL 60606
5 Telephone: 312-448-6602
6 Email: hblaise@blaisenitschkelaw.com

7 Attorneys for Plaintiff,
8 LANCE HARA p/k/a VICKY VOX

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10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**

12 LANCE HARA p/k/a VICKY VOX,

13 Plaintiff,

14 v.

15 NETFLIX, INC., TITMOUSE, INC.,
16 LOL SEND, INC., FREMULON, LLC,
17 UNIVERSAL TELEVISION, LLC,
18 HAZY MILLS PRODUCTIONS, INC.,
19 3 ARTS ENTERTAINMENT, LLC,

20 Defendants.

CASE NO: 2:23-cv-03456

**COMPLAINT FOR DAMAGES
FOR:**

**1) FALSE ENDORSEMENT
(SECTION 43(A) OF THE
LANHAM ACT, 15 U.S.C.
§ 1125(A)); 2) VIOLATIONS OF
CALIFORNIA STATUTORY
RIGHT OF PUBLICITY (CAL. CIV.
CODE § 3344); and 3) VIOLATIONS
OF CALIFORNIA COMMON LAW
RIGHT OF PUBLICITY**

DEMAND FOR JURY TRIAL

21
22 **JURISDICTION AND VENUE**

23 1. This Court has subject matter jurisdiction over this matter pursuant to 28
24 U.S.C. §§ 1331 and 1338 (federal question) and supplemental jurisdiction over
25 Plaintiff's State claims pursuant to 28 U.S.C. § 1367.

26 2. This Court has personal jurisdiction over Defendants in that, among other
27 things, Defendants do business in this Judicial District, and Plaintiff does business and
28

1 is suffering harm in this Judicial District.

2 3. Venue is proper in this Judicial district pursuant to 28 U.S.C. §§ 1391(b)-
3 (d) and 1400(a).

4 **THE PARTIES**

5 4. Plaintiff LANCE HARA p/k/a VICKY VOX (hereinafter “Vicky Vox”),
6 is now, and at all times mentioned in this Complaint was, a citizen of the United States,
7 domiciled in Los Angeles, California.

8 5. Defendant NETFLIX, INC., is now, and at all times mentioned in this
9 Complaint was, a corporation with its principal place of business at 121 Albright Way,
10 Los Gatos, CA 95032.

11 6. Defendant TITMOUSE, INC., is now, and at all times mentioned in this
12 Complaint was, a corporation with its principal place of business at 2835 N. Naomi
13 Street, Burbank, CA 91504.

14 7. Defendant LOL SEND, INC., is now, and at all times mentioned in this
15 Complaint was, a corporation with its principal place of business at 1800 Century Park
16 East, Suite 400, Los Angeles, CA 90067.

17 8. Upon information and belief, Defendant FREMULON, LLC is now, and
18 at all times mentioned in this Complaint was, a limited liability company with its
19 principal place of business at 1888 Century Park East, Suite 900, Los Angeles, CA
20 90067.

21 9. Defendant UNIVERSAL TELEVISION, LLC is now, and at all times
22 mentioned in this Complaint was, a limited liability company with its principal place
23 of business at 100 Universal City Plaza, Universal City, CA 91608.

24 10. Defendant HAZY MILLS PRODUCTIONS, INC., is now, and at all times
25 mentioned in this Complaint was, a corporation with its principal place of business at
26 100 Universal City Plaza, Bungalow 4131, Universal City, CA 91608.

27 11. Defendant 3 ARTS ENTERTAINMENT, LLC is now, and at all times
28

1 mentioned in this Complaint was, a limited liability company with its principal place
2 of business at 9460 Wilshire Blvd., Beverly Hills, CA 90212.

3 **BACKGROUND**

4 12. Vicky Vox is a well-known Drag Queen in Hollywood, who hosts VIP
5 events from the Roosevelt Hotel in Hollywood to Hamburger Mary's in West
6 Hollywood. Ms. Vox is best known for her drag band DWV, alongside the world-
7 renowned Detox and Willam Belli.

8 13. As a lyricist, Ms. Vox has worked as a session singer and voice over actor.
9 In 2018, Ms. Vox starred as the human-eating alien plant Audrey II in the critically
10 acclaimed Regent's Park Open Air Theatre production of Little Shop of Horrors, for
11 which she was nominated Best Supporting Actress in a Musical. Ms. Vox also received
12 a nomination for iHeart Radio's Best Spirituality and Religion Podcast for her series
13 Doing Great with Vicky Vox, in which she read playing cards like the tarot deck to
14 interview Drag Queens and celebrities like Nicole Byer. Ms. Vox has enjoyed
15 numerous spots on reality TV shows like My Kitchen Rules, Millionaire Matchmaker,
16 and The Hills reboot.

17 14. Alongside her own, Vicky Vox has appeared in countless music videos
18 for artists like Kesha. Ms. Vox's previous credits include the BBC Radio Show
19 FOILED, The Vicky Vox Project (2020), WhatsOnStage Awards Host (2019),
20 Electronic Music Awards Host (2017), Tori Snatch in Magic Mike XXL (2015),
21 Runway Model for Marco Marco (collection 2, collection 4), and former brand
22 ambassador for Obsessive Compulsive Cosmetics.

23 15. Ms. Vox alone holds the publicity rights, including the use of Ms. Vox's
24 name, likeness, image, and identity for commercial purposes.

25 16. Netflix, Inc., Titmouse, Inc., LOL Send, Inc., Fremulon, LLC, Universal
26 Television, LLC, Hazy Mills Productions, Inc., and 3 Arts Entertainment, LLC
27 (hereinafter "Defendants") are using Ms. Vox's name, image, and/or likeness in
28

1 Defendants' show, Q-Force, and the advertising and marketing efforts for said show.

2 17. On or about June 2021, the "Official Teaser" for Q-Force, posted to
3 YouTube by Netflix at the following URL ([https://www.youtube.com/watch?v=Fk9s-](https://www.youtube.com/watch?v=Fk9s-zTbq28)
4 [zTbq28](https://www.youtube.com/watch?v=Fk9s-zTbq28)) displays currently identified infringement, as does each and every publication
5 of Episode 5 of Q-Force.

6 18. The above-linked advertisement, released during Pride Month, begins
7 with a profile shot of a cartoon representation of Ms. Vox's face, followed by four
8 seconds of a full-body shot of the same cartoon representation of Ms. Vox.

9 19. These shots make up more than 12% of the advertisement and provide
10 viewers with their initial impression and potential source of interest in the show.
11 Defendants produced and distributed a longer version of the shot in Episode 5 of Q-
12 Force, beginning around 1:50 into the episode.

13 20. Defendants' misappropriation of Ms. Vox's name, image, and/or likeness
14 in the show Q-Force is yet another example in a pattern of problematic behavior toward
15 the LGBTQ+ community by Netflix.

16 21. In or about October 2021, Netflix released the hate-filled, dehumanizing
17 comedy special, "The Closer" by Dave Chappelle. Using the platform Netflix
18 provided, Chappelle dismissed the humanity of transgender people, including Ms. Vox,
19 in an unfortunate attempt at humor.

20 22. Simultaneously, Defendants misappropriated Ms. Vox's name, image,
21 and/or likeness in Q-Force, a reductive show that relies on harmful stereotypes for a
22 similarly unfortunate attempt at humor.

23 **FIRST CLAIM FOR RELIEF**
24 **UNFAIR COMPETITION AND FALSE ENDORSEMENT**
25 **(SECTION 43(A) OF THE LANHAM ACT, 15 U.S.C. § 1125(A))**

26 23. Plaintiff repeats, alleges, and incorporates by reference Paragraphs 1
27 through 22, as though fully set forth herein.

28 24. Since approximately in or about June 2021 to the date of this Complaint,

1 Defendants have advertised and marketed the show Q-Force featuring Ms. Vox's name,
2 image, and/or likeness in a profile shot of a cartoon representation of Ms. Vox's face,
3 followed by four seconds of a full-body shot of the same cartoon representation of Ms.
4 Vox.

5 25. Defendants, by their intentional and unauthorized appropriation and use
6 of Ms. Vox's image and likeness have engaged, and are continuing to engage, in acts
7 of the wrongful deception of the public, with the effect of confusing customers into
8 believing that Defendants are legitimately connected with, or sponsored or approved
9 by Vicky Vox, along with wrongful deprivation of Ms. Vox's good name and
10 reputation.

11 26. Defendants' use of the likeness of Ms. Vox constitutes a false designation
12 or origin, false or misleading description of fact, or false or misleading representation
13 of fact, which is likely to cause confusion, mistake, or to deceive as to the endorsement,
14 affiliation, connection, or association of Defendants with Ms. Vox.

15 27. Defendants' unauthorized and infringing activities as described herein
16 have been knowing, intentional, and malicious, and their misuses were carried out with
17 the intent to trade upon the goodwill and reputation of Ms. Vox.

18 **SECOND CLAIM FOR RELIEF**
19 **VIOLATIONS OF CALIFORNIA STATUTORY RIGHT OF PUBLICITY**
20 **(CAL. CIV. CODE § 3344)**

21 28. Plaintiff repeats, alleges, and incorporates by reference Paragraphs 1
22 through 27, as set forth herein.

23 29. No one other than Ms. Vox holds her publicity rights, including the use of
24 Ms. Vox's name, image, likeness, and identity for commercial purposes.

25 30. Plaintiff is informed and believes that in or about June 2021, and
26 continuing to this date, Defendants have willfully and knowingly infringed on the
27 publicity rights of Ms. Vox for their own purpose of have advertised and marketed the
28 show Q-Force featuring Ms. Vox's name, image, and/or likeness in a cartoon

1 representation of Ms. Vox's face, even after being informed of this claim.

2 31. The appropriations were unauthorized and without Plaintiff's consent.

3 32. The appropriations usurped Plaintiff's ability to control the subject
4 publicity rights and diluted her ability to effectively market such images, all to the
5 detriment of Plaintiff.

6 33. Plaintiff is informed and believes, and on other basis, alleges that as a
7 proximate result of the advantage accruing to Defendants from said appropriation,
8 Plaintiff has been/or will be deprived of monetary sums in an amount to be determined
9 in the further course of this litigation.

10 34. Defendants' actions caused confusion in the marketplace. Namely, Ms.
11 Vox's fans were placed under the false belief that such use was actually authorized by
12 Ms. Vox.

13 35. Defendants' acts of violation of statutory right of publicity against
14 Plaintiff have caused Plaintiff damage in that the value of merchandise actually
15 authorized by Plaintiff is diluted in the marketplace.

16 36. In addition, Ms. Vox's goodwill, reputation, and business has been and
17 will continue to be irreparably harmed by Defendants unless it is enjoined from their
18 exploitative and infringing commercial business practices and from using Ms. Vox's
19 image and likeness. Given Ms. Vox's established brand and image, professional
20 reputation, and moral commitment as a champion for the working class, she never
21 would have licensed her image or likeness in connection with the show Q-Force.

22 37. Ms. Vox would have never authorized Defendants to use her image or
23 likeness as it would never be in her interest to be associated with aforesaid show which
24 does not incarnate any of the values Ms. Vox represents and to which she has dedicated
25 most parts of her life.

26 38. As a result, Ms. Vox is appalled, disgusted, and embarrassed to see her
27 image and/or likeness falsely endorsing Defendants' products because such
28

1 unauthorized use creates a perception of hypocrisy in the public eye and irreparably
2 undermines the important international social work that has been Ms. Vox's adult life's
3 mission, the value of which is immense and cannot be overstated.

4 39. Importantly, Vicky Vox's fans are disappointed to see Ms. Vox's image
5 offered in connection with the show Q-Force, thereby tarnishing the reputation of Ms.
6 Vox.

7 **THIRD CLAIM FOR RELIEF**
8 **VIOLATIONS OF CALIFORNIA COMMON LAW RIGHT OF PUBLICITY**

9 40. Plaintiff repeats, alleges, and incorporates by reference Paragraphs 1
10 through 39, as though fully set forth herein.

11 41. Plaintiff is informed and believes that in or about June 2021, Defendants
12 willfully and knowingly infringed on the publicity rights of Ms. Vox for their own
13 purpose of advertising and marketing the show Q-Force featuring Ms. Vox's name,
14 image, and/or likeness in a cartoon representation of Ms. Vox's face.

15 42. No one other than Plaintiff holds a license or any other form of consent
16 from Ms. Vox to use her image, likeness, or identity.

17 43. The appropriation usurped Plaintiff's ability to control the subject
18 publicity rights and diluted her ability to effectively market such images, all to the
19 detriment of Plaintiff.

20 44. Plaintiff is informed and believes, and on that basis, alleges that as a
21 proximate result of the advantage accruing to Defendants from said appropriation,
22 Plaintiff has been and/or will be deprived of monetary sums in an amount to be
23 determined at trial.

24 **FOURTH CLAIM FOR RELIEF**
25 **INVASION OF PRIVACY BY APPROPRIATION**

26 45. Plaintiff repeats, alleges, and incorporates by reference Paragraphs 1
27 through 44, as though fully set forth herein.

28 46. Plaintiff is informed and believes that in or about June 2021, Defendants

1 willfully and knowingly invaded her privacy by appropriating her likeness for
2 commercial gain by depicting her as a cartoon.

3 47. Defendants' appropriation of Plaintiff's likeness has caused Plaintiff
4 injury to her human dignity and self-esteem and has caused her mental distress.

5 48. Defendants' use of Plaintiff's likeness depicts her as an unspeaking
6 background character whose sole role is to perform a fan "thworp" as a punchline to
7 another character's joke, thus reducing her identity, her long and accomplished career,
8 and her regular presence at Hamburger Mary's WeHo to a mere element of the setting,
9 a part of the furniture.

10 49. The television show Q-Force has been widely panned and criticized by
11 members of the LGBTQ+ community for upholding and reinforcing harmful
12 stereotypes about the LGBTQ+ community, and Plaintiff's unconsented association
13 with Q-Force has caused her mental distress and significant dignitary harm with
14 monetary damages in an amount to be determined at trial.

15 50. Netflix has produced and aired such productions as Dave Chappelle's
16 "The Closer," in which Mr. Chappelle dehumanizes, diminishes, and defames the
17 transgender community, of which Plaintiff is part, and Plaintiff's unconsented
18 association with a network that would air such products has caused her mental distress
19 and significant dignitary harm with monetary damages in an amount to be determined
20 at trial.

21 WHEREFORE, Plaintiff, LANCE HARA p/k/a VICKY VOX, by and through
22 her attorneys, respectfully prays for judgment against Defendants, NETFLIX, INC.,
23 TITMOUSE, INC., LOL SEND, INC., FREMULON, LLC, UNIVERSAL
24 TELEVISION, LLC, HAZY MILLS PRODUCTIONS, INC., 3 ARTS
25 ENTERTAINMENT, LLC, for:

26 A. Compensatory damages for Defendants' unauthorized use of Ms. Vox's
27 image and/or likeness;
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- 1 B. An accounting for, and payment to the Plaintiff as actual damages, all
2 gains, profit, and advantages derived by Defendants as a result of their
3 unfair trade practices, unfair competition, and false endorsement;
4 C. Additional damages for an amount determined in the further course of this
5 litigation for unfair and deceptive trade practices, competition, and false
6 endorsement;
7 D. Punitive damages for willful violation of Cal. Civ. Code § 3344;
8 E. Reasonable attorneys' fees;
9 F. The costs of this action including, but not limited to, expert fees;
10 G. Pre-judgment interest according to law; and
11 H. Such other and further relief as the Court deems just and proper.

12 **JURY DEMAND**

13 Plaintiff demands trial by jury on all issues so triable.

14 DATED: May 5, 2023

Respectfully submitted,

LANCE HARA p/k/a VICKY VOX

/s/ Heather L. Blaise

HEATHER L. BLAISE, ESQ. (SBN 261619)

145 S. Wells Street, Suite 1800

Chicago, IL 60606

Telephone: 312-448-6602

Email: hblaise@blaisenitschkelaw.com

Attorney for Plaintiff